



MEMORANDUM

TO: Persons Responsible for Universal Recycling Reporting Requirements
FROM: Delaware Department of Natural Resources and Environmental Control (DNREC),
Division of Waste and Hazardous Substances,
Solid and Hazardous Waste Management Branch
DATE: April 28, 2011
SUBJECT: **New State Law** – Delaware *Annual Recycling Report* for Calendar Year 2011 is due no later than February 15, 2012.

Delaware recently enacted *Universal Recycling* which is designed to substantially increase recycling throughout Delaware by requiring the implementation of residential and commercial recycling programs statewide. Universal Recycling also establishes aggressive recycling diversion goals and annual reporting requirements in order to better manage the waste we generate and to determine if the diversion goals are being met. The full text of the Universal Recycling legislation may be viewed at: <http://www.awm.delaware.gov/Recycling/Documents/SB%20234%20Engrossed%20with%20Amendments%20and%20Line%20Nos.pdf>.

Your Responsibility: The first *Annual Recycling Activity Report* must be submitted by the February 15, **2012** deadline for the requested recycling activities that occurred during calendar year **2011**. **If you need to make any adjustments in your internal data collection or recording, you are encouraged to do so at this time.**

In order for these reporting requirements to be satisfied, we are dependent on your cooperation and assistance. As such, we are open to suggestions regarding the attached reporting guidance (Attachment A) and report form (Attachment B). Please provide written comments to:

Solid and Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901
Attn: James Short
Or by Fax to (302)739-5060
Or email your comments to:
james.short@state.de.us

*** Also please note that many companies have been reporting this information on a voluntary basis for the past several years. During 2011 the same voluntary survey for calendar year 2010 data will

be conducted. Please do not confuse this required reporting discussion regarding calendar year 2011 data with the upcoming calendar year 2010 voluntary survey. ***

Reporting Assistance: The intent of the reporting form is to provide an efficient means by which you can record the required information in a standardized form. We recognize you may have questions regarding how to convert your internal data to entries on the reporting form provided. If necessary, we may consider modifications to your reporting form provided it does not compromise data integrity. If sufficient interest in training is expressed, DNREC will provide reporting training during calendar year 2011 to assist you with this reporting effort if needed. In the event training is not offered, DNREC staff, or its third party consultant, will be available to answer your reporting questions on an individual basis.

Confidentiality of Reported Data: Currently DNREC intends to contract with an environmental consultant to actually collect, collate and generate the aggregated materials data from the required recycling reports such that no individual company data is reported to the Department or the public. This consultant will afford each company submitting a report the opportunity to maintain the data submitted as confidential. For your information Attachment C is an example of an aggregated data report.

If the decision is ever made to have this information reported directly to DNREC please note that the Department's Freedom of Information Act (FOIA) requirements specify the procedures and criteria under which a person may request that certain records or portions of records submitted to the Department be held confidential. For more information visit the Department's FOIA regulation at: <http://www.dnrec.de.us/dnrec2000/FOIA.pdf>

In closing, we would like to thank you in advance for your cooperation in this important recycling measurement endeavor and we look forward to working with you and answering any questions you may have in order to make your reporting job as burden free and efficient as possible. To discuss any questions you may have please contact Mr. James Short at 302-739-9403.

Attachments:

- A. Recycling Reporting Guidance
- B. Recovery Rate Report
- C. Example of Aggregated Data

Attachment A

Recycling Reporting Guidance

I. Purpose

To determine the extent to which recycling is occurring, Title 7 §6056(a) requires all persons, including persons who collect, process or market recyclables, with the exception of those specified in §6053(e), must report to the Department on a calendar year basis, no later than February 15th of the following year, the type and quantity of recyclables managed, the method of recycling collection used (single or multiple streams), and the location of the recycling facilities used pursuant to reporting guidance developed by the Department and the Recycling Public Advisory Council. The first recycling report shall cover calendar year 2011 and shall be due no later than February 15, 2012.

II. Definitions

Notwithstanding any definitions in Chapters 60 or 64 of Title 7 to the contrary, the following words and phrases shall have the meaning ascribed to them in this guidance unless the context clearly indicates otherwise.

(a) 'Authority' means the Delaware Solid Waste Authority.

(b) 'Commercial and Institutional Recyclables' means any recyclable material that is generated by stores, offices, restaurants, warehouses, and other manufacturing, industrial or processing activities, and enterprises such as social, charitable, educational, and government services.

(c) 'Department' means Delaware Department of Natural Resources and Environmental Control.

(d) 'End user of recyclables' means facilities that purchase or secure recovered materials for the purpose of recycling. Examples include recycling plants and composting facilities. Excludes waste disposal facilities.

(d) 'Independent Recycling Collector/Hauler' means a person who provides recyclables collection services.

(e) 'Multi-family' means 3 or more attached structures, such as condominiums or apartments, generally intended for occupancy by individuals or families and where centralized community trash disposal and collection services are typically provided.

(f) 'Person(s)' means any municipality or commercial business (exclusive of households) who arranges for the recycling or beneficial reuse of Recyclable Material off-site (whether in Delaware or out-side of Delaware), including: all independent recycling collectors/haulers; self marketing generators; processors of recyclable materials; end users of recyclables; and all municipalities or other units of government in Delaware who collect, self market, or contract for collection of Recyclable Materials.

(g) 'Processor of Recyclable Material' means a person that handles recyclable materials from collectors and generators for the purpose of preparing materials for recycling (material recovery facilities, scrap metal yards, paper dealers, and glass beneficiation plants, etc.). Processors act as intermediaries/brokers between collectors and end users of recovered materials.

- (h) 'Recyclable Material' or 'Recyclables' means any material or group of materials that can be collected and sold or used for recycling or beneficial reuse.
- (i) 'Recycling' means the process by which solid wastes are separated for use as raw materials, products or replacement of products, including the beneficial reuse of organic wastes, but does not include the incineration of materials for energy.
- (j) 'Residential Waste' means the solid waste generated in occupied single-family and multi-family structures. Also referred to as 'Household Waste.'
- (k) 'Self-Marketing Generator' means a person that directly markets the recyclables generated by their business to a Processor of Recyclable Material or an End User.
- (l) 'Single Stream' means a system in which all fibers (including but not limited to paper, cardboard, etc.) and containers (including but not limited to plastic, glass and metal) are commingled for collection into one container instead of being sorted into separate commodities and multiple containers.
- (m) 'Single-family' means either a detached structure (i.e. a house) surrounded by open space or attached structures, such as town or row homes, generally intended for occupancy by a family and where individual trash collection services are typically provided for each structure.
- (n) 'Source Separated' means recyclable materials, including single stream recyclables, which are segregated at the point of generation and kept apart from the waste stream by the generator thereof for the purpose of collection and recycling.

III. Reporting Requirements

The information required in the *Annual Recycling Activity Report* is necessary to determine statewide diversion rates of recyclables, to determine compliance with the recycling reporting requirements and to provide accurate and comprehensive information in aggregate on the type and amounts of residential, commercial and institutional recyclables generated and diverted from disposal in Delaware. The information required on the reporting form shall be reported to the Department no later than February 15th of each calendar year for the previous calendar year. Specifically, the following information shall be reported:

(a) The type and corresponding weight in tons of each recyclable material collected for the purpose of recycling for the following sources:

- (i) Single-family residential;
- (ii) Multi-family residential and;
- (iii) Commercial & Institutional.

(b) The information required in paragraph (a) of this subsection shall be reported in the following manner:

(i) The weight of material collected shall be determined either by direct measurement or by determining the weight of material sold or otherwise sent off-site or used on-site for recycling during the calendar year, adjusted by the difference in weight of material held in inventory on the first day and last day of the calendar year;

(ii) In cases where a reporting person is unable to provide exact weight information for the categories identified in paragraph (a)(i),(ii) & (iii) of this subsection, reasonable estimates allocating the weight of recyclable material from each source shall be made inclusive of an explanation of the method of estimation used.

(c) Municipal Government Reporting Requirements/Reporting Exemption:

Those municipal governments that collect and deliver all of their recyclables to an Authority recycling facility are exempt from these reporting requirements. However, the Authority shall report to the Department the tonnage of recyclables delivered to the Authority for each municipality that self hauls. Where necessary to estimate between single-family, multi-family and commercial & institutional recyclables delivered by an exempt municipality the reporting requirements of paragraph b(ii) of this subsection shall apply to the quantities reported by the Authority on behalf of the municipality.

If a municipality chooses to deliver its recyclables to a location other than the Authority, then it shall be required to self report the disposition of those recyclables as required in section IV(a) & (b) of this guidance.

V. Confidential Information

Currently DNREC intends to contract with an environmental consultant to actually collect, collate and generate the aggregated materials data from the required recycling reports such that no individual company data is reported to the Department or the public. This consultant will afford each company submitting a report the opportunity to maintain the data submitted as confidential. For your information Attachment C is an example of an aggregated data report.

If the decision is ever made to have this information reported directly to DNREC please note that the Department's Freedom of Information Act (FOIA) requirements specify the procedures and criteria under which a person may request that certain records or portions of records submitted to the Department be held confidential. For more information visit the Department's FOIA regulation at: <http://www.dnrec.de.us/dnrec2000/FOIA.pdf>

Attachment B

DRAFT

Delaware Annual Recycling Activity Report Form

Report for Calendar Year 2011 Due February 15, 2012

Thank you for completing this survey.

If you have any questions about completing this form or the annual recycling report, please contact the third party consulting firm, XYZ at ----- or the Department of Natural Resources and Environmental Control at 302-739-9403.

Company Information

Company _____	Subsidiary of _____
Mailing Address _____	Contact Name _____
_____	Title _____
City _____ State _____ Zip _____	Phone _____ Fax _____
Physical Address _____	Email _____
City _____ State _____ Zip _____	

Company Type

<input type="checkbox"/> Recyclables Collector/Hauler	<input type="checkbox"/> Processor	<input type="checkbox"/> End user
<input type="checkbox"/> Municipality	<input type="checkbox"/> Self Marketing Generator	<input type="checkbox"/> Other (Describe)

Materials Recycled – Use additional sheets if necessary

Material ¹	Annual Tons Recycled 2011	Please list (as available) the company or location where you send the material for Recycling, Processing, or End Use ²	Percent of Total from Delaware

* Please be specific as to material type: corrugated cardboard (OCC); single stream recyclables, office paper for shredding; mixed paper; old newspaper; shrink wrap; plastic containers; mixed/other plastic; aluminum cans; steel cans; glass; scrap metal (aluminum; white goods/appliances; nonferrous; ferrous); food waste; fats; oils; grease; yard waste; tree waste; clean wood; pallets; textiles; food processing waste; bottom and fly ash; rubber; electronics; fluorescent bulbs; household batteries; carpet; asphalt; concrete and brick; soils; used oil; oil filters; lead acid batteries; tires.

² This information is important so as to prevent double counting of material that was handled and reported by another recycler. If you brokered directly to an end user outside of Delaware, and you would prefer not to list them, simply state "End-User outside of Delaware"

Confidentiality

DNREC intends to contracts with an environmental consultant to collect this data and it will be aggregated by material type from each recycling report such that no individual company data is reported to the Department or the public. This consultant will afford each company submitting a report the opportunity to maintain the data submitted as confidential in this section of the report form.

If the decision is ever made to have this information reported directly to DNREC please note that the Department's Freedom of Information Act (FOIA) requirements specify the procedures and criteria under which a person may request that certain records or portions of records submitted to the Department be held confidential. For more information visit the Department's FOIA regulation at: <http://www.dnrec.de.us/dnrec2000/FOIA.pdf>.

Attachment C - Example of Aggregated Data

	2009 CY		2008 CY		Difference	
Material Category	Total (tons)	MSW (tons)	Total (tons)	MSW (tons)	Total (tons)	MSW (tons)
Paper						
Corrugated (OCC)	58,384	58,384	67,191	67,191	-8,807	-8,807
Newspaper (ONP)	2,728	2,728	3,735	3,735	-1,007	-1,007
Sorted Office Paper	6,359	6,359	5,496	5,496	863	863
Mixed Paper (1)	9,218	9,218	10,509	10,509	-1,290	-1,290
Subtotal:	76,690	76,690	86,930	86,930	-10,241	-10,241
Packaging						
Glass	0	0	23	23	-23	-23
Shrink Wrap	2,178	2,178	1,983	1,983	195	195
Plastic Containers	27	27	23	23	4	4
Aluminum Cans	171	171	49	49	122	122
Pallets (2)	1,954	1,954	4,465	4,465	-2,511	-2,511
Mixed Recyclables (3)	4,950	4,950	7,044	7,044	-2,094	-2,094
Subtotal:	9,279	9,279	13,585	13,585	-4,306	-4,306
Metals						
White Goods	18,174	18,174	22,485	22,485	-4,311	-4,311
Aluminum	1,158	unknown	1,305	unknown	-147	unknown
Ferrous	113,584	unknown	142,918	unknown	-29,334	unknown
Non-ferrous	12,315	unknown	39,330	unknown	-27,014	unknown
Scrap Cars	6,323	0	8,351	0	-2,028	0
Subtotal:	151,555	18,174	214,389	22,485	-62,835	-4,311
Green Waste						
Leaf and Yard Waste	65,886	65,886	60,986	60,986	4,900	4,900
Trees and Branches	53,281	53,281	55,247	55,247	-1,966	-1,966
Clean Wood	0	0	280	0	-280	0
Subtotal:	119,167	119,167	116,513	116,233	2,653	2,933
Vehicle Waste						
Tires (4)	22,737	18,735	10,148	8,815	12,589	9,921
Lead Acid Batteries	1,917	1,917	1,992	1,992	-75	-75
Oil Filters	195	195	321	321	-126	-126
Subtotal:	24,849	20,847	12,461	11,128	12,387	9,719
Special Wastes						
Textiles (5)	3,155	3,155	3,305	3,305	-150	-150
Electronics	449	449	295	295	154	154
Florescent Bulbs	33	33	34	34	-1	-1
Carpet	15	15	15	15	0	0
Subtotal:	3,653	3,653	3,649	3,649	4	4
Ag and Food Wastes						
Fats, Oil, Grease	8,826	8,826	8,393	8,393	433	433
Food Waste	9,812	9,812	5,650	5,650	4,163	4,163
Subtotal:	18,639	18,639	14,042	14,042	4,596	4,596
Industrial Waste Recovery						
Mixed Plastics	1,338	669	2,029	1,014	-691	-345
Subtotal:	1,338	669	2,029	1,014	-691	-345
Total Recovery:	405,168	267,117	463,599	269,067	-58,430	-1,950